

OCT 12 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. BUDLEY, CLERK
BY: 
DEPUTY CLERK

LEVI SPRINGER,)	Civil Action No. 7:12cv00158
)	
Plaintiff,)	
)	<u>ORDER ADOPTING REPORT</u>
v.)	<u>AND RECOMMENDATION</u>
)	
C/O BROWN #1 et al.,)	
)	
Defendants.)	By: Samuel G. Wilson
)	United States District Judge

Levi Springer, a Virginia inmate proceeding *pro se*, brings this action pursuant to 42 U.S.C. § 1983, claiming the defendants, several Red Onion State Prison employees, used excessive force against him and then refused to provide medical care. Springer alleges that he has been subject to harassment and threats since filing this lawsuit and on that basis seeks an injunction ordering his transfer to a “protective custody facility” until this lawsuit is resolved. The court has referred the matter to United States Magistrate Judge Pamela Meade Sargent for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has issued a report analyzing Springer’s request for injunctive relief and recommending the court deny Springer’s request on the grounds that Springer has neither demonstrated any likelihood of irreparable harm in the absence of injunctive relief, nor shown any likelihood of success on the merits. Springer has filed objections to the Report and Recommendation, partly reiterating arguments made in his earlier pleadings and offering nothing substantive in response to the Magistrate’s findings. Having reviewed the Report and Recommendation, the objections thereto, and pertinent portions of the record *de novo* in accordance with § 636(b)(1), the court agrees with the Magistrate’s Judge’s recommendation. Accordingly, it is hereby **ORDERED** and **ADJUDGED** that Springer’s objections to the Magistrate Judge’s Report and Recommendation

(ECF No. 56) are **OVERRULED**, the Magistrate Judge's Report and Recommendation (ECF No. 52) is **ADOPTED**, and Springer's motion for a temporary restraining order and preliminary injunctive relief is **DENIED**. The Clerk is **DIRECTED** to send a copy of this order to the plaintiff.

ENTER: October 12, 2012.



UNITED STATES DISTRICT JUDGE